

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION AT LAFAYETTE**

WAYNE FENDER and DONNA PELOUS,	)	
Plaintiffs,	)	
	)	
v.	)	CAUSE NO.: 4:14-CV-24-RL-JEM
	)	
SARAH SAILORS, SALLY HERNANDEZ,	)	
ASHLEY PETERS, PATRICK MANAHAN,	)	
CHRISTIN BRAMLAGE, KURTIS FOUT,	)	
DCS, and STATE OF INDIANA,	)	
Defendants.	)	

**OPINION AND ORDER**

This matter is before the Court on a State Defendants’ Motion to Consolidate Pursuant to F.R.C.P. 42(a) and Local Rule 42-2 [DE 38], filed by Defendants Sarah Sailors, Sally Hernandez, Ashley Peters, Kurtis Fouts, Department of Child Services, and State of Indiana (the “State Defendants”) on September 22, 2014. State Defendants request that this matter be consolidated with a case filed by Plaintiffs and additional Plaintiff Heather Mock against State of Indiana, Ashley Peters, Abigail Diener, Samantha Dagenais, Christin Bramlage, and Analei Whitlock, cause number 4:14-CV-61-WCL-APR. None of the other parties have responded to the motion.

Federal Rule of Civil Procedure 42(a) provides that “[i]f actions before the court involve a common question of law or fact, the court may . . . consolidate the actions.” Fed. R. Civ. P. 42(a)(2). Consolidation is appropriate for “cases that share the same questions of law or fact and where consolidation would not result in prejudice to any party.” *Back v. Bayh*, 933 F. Supp. 738, 748 (N.D. Ind. 1996) (citing *Fleishman v. Prudential-Bache Sec.*, 103 F.R.D. 623, 624 (E.D. Wis. 1984)). Courts “consider such factors as judicial economy, avoiding delay, and avoiding inconsistent or conflicting results” as well as “as

the possibility of juror confusion or administrative difficulties.” *Habitat Educ. Ctr., Inc. v. Kimbell*, 250 F.R.D. 390, 394 (E.D. Wis. 2008).

The Court finds that the cases involve common issues of law and fact relating to the removal of a child from the care of Plaintiffs Fender and Pulous. Trying the cases separately would require duplication of efforts, both on behalf of the parties and of the Court, and might result in inconsistent results.

Accordingly, in the interest of judicial economy, the Court hereby **GRANTS** the State Defendants’ Motion to Consolidate Pursuant to F.R.C.P. 42(a) and Local Rule 42-2 [DE 38] and **ORDERS** consolidation of cause numbers 4:14-CV-24-RL-JEM and 4:14-CV-61-WCL-APR.

All future filings shall be made in 4:14-CV-24-RL-JEM only.

SO ORDERED this 21st day of October, 2014.

s/ John E. Martin  
MAGISTRATE JUDGE JOHN E. MARTIN  
UNITED STATES DISTRICT COURT

cc: All counsel of record  
Plaintiffs *pro se*